

JOURNAL OF THE HOUSE.

Thursday, January 9, 2014.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Guests of the House.

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced, seated in the House Chamber, the undefeated Duxbury Dragon Pee Wee football team and congratulated them on winning the Old Colony Youth Football League Division One Super Bowl. At the invitation of the Chair, the team participated in the pledge of allegiance to the flag. They were the guests of Mr. Cutler of Duxbury.

Dragon
Pee Wee
football
team and
pledge of
allegiance.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Bradley of Hingham) congratulating Lory Newmyer on her retirement from the Hull Lifesaving Museum;

Lory
Newmyer.

Resolutions (filed by Mr. Coppinger of Boston) honoring Leonard Kopelman on his retirement;

Leonard
Kopelman.

Resolutions (filed by Mr. Howitt of Seekonk) congratulating Robin Sloane Berghman on winning the 2013 New England Pro 4 Modified Championship; and

Robin
Sloane
Berghman.

Resolutions (filed by Mr. Keenan of Salem) congratulating the residents of the city of Salem on the completed renovations of the Francis X. Collins Middle School;

Salem,—
Collins
Middle
School.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Cutler of Duxbury, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

From the Department of Public Health (under Section 2 of Chapter 111 of the General Laws) submitting its Vital Statistics of Massachusetts Public Document #1 annual report for 2005; and

Public Health,—
vital
statistics.

From the Department of Public Health (under Section 2 of Chapter 111 of the General Laws) submitting its Vital Statistics of Massachusetts Public Document #1 annual report for 2006;

Id.

Severally were placed on file.

Annual Report.

The annual report of the Public Employee Retirement Administration Commission (under sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the per centum change in the average cost-

Retirees,—
cost-of-living
adjustment.

Retirees,—
cost-of-living
adjustment.

of-living as shown by the United States consumer price index for the year 2013 (House, No. 3837), was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petition.

Littleton,—
affordable
housing.

Mr. Arciero of Westford presented a petition (accompanied by bill, House, No. 3839) of James Arciero (by vote of the town) relative to affordable housing inventory in the town of Littleton; and the same was referred to the committee on Housing. Sent to the Senate for concurrence.

Papers from the Senate.

Springfield,—
Hampden
County
courts.

A petition (accompanied by bill) of Gale D. Candaras and James T. Welch for legislation to ensure access to the Hampden County courts in the city of Springfield, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1972) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Reports

Cape and
Islands,—
wiretaps.

Of the District Attorney of the Cape and Islands (under the provisions of Section 99 of Chapter 272 of the General Laws) submitting a report relative to wiretaps for the calendar year 2013;

Middlesex
County,—
wiretaps.

Of the District Attorney of Middlesex County (under the provisions of Section 99 of Chapter 272 of the General Laws) submitting a report relative to wiretaps for the calendar year 2013; and

Worcester
County,—
wiretaps.

Of the District Attorney of Worcester County (under the provisions of Section 99 of Chapter 272 of the General Laws) submitting a report relative to wiretaps for the calendar year 2013;

Severally were spread upon the records of the House; and returned to the Senate.

Reports of Committees.

Special
elections,—
scheduling.

By Mr. Murphy of Weymouth, for the committee on Election Laws, on House, No. 562, a Bill relative to special elections (House, No. 3838), was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Speliotis of Danvers, the bill was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title, emergency preamble; and the following text:

“SECTION 1. Notwithstanding any general or special law to the contrary, the secretary of the commonwealth may add or change any

dates relating to functions appurtenant to the special primaries or the election for Representative in the General Court in the 2nd Suffolk Representative District and the 16th Suffolk Representative District, precepts having been issued by the Speaker of the House of Representatives pursuant to section 141 of chapter 54 of the General Laws for April 1, 2014 with a primary to be held on March 4, 2014, as said secretary deems necessary for the orderly administration of the election by providing notice of such change with the rules and regulations division, by posting on his website and by whatever other means he deems appropriate. The deadline for candidates to submit nomination papers to local Registrars of Voters or Election Commissioners for the certification of signatures shall be 5:00 pm on January 27, 2014 and the local election officials shall complete certification by 5:00 pm on January 28, 2014. The last day and hour for filing nomination papers including written acceptance, receipt from the state ethics commission and certificate of voter registration or party enrollment with the state secretary shall be 5:00 pm on January 29, 2014.

SECTION 2. Notwithstanding any general or special law to the contrary if the date for holding a preliminary or town election or annual town meeting in a municipality within a district having a special state election on April 1, 2014, in accordance with section 1, falls within 30 days before or after such special state election, the town council, in a town having a town council or the board of selectmen in any other town, after consulting with the town clerk, may, by majority vote, establish to conduct such preliminary, election or town meeting to coincide with the date of a special state election. Any vote to change the date of a local election shall occur at least 35 days before the date of the re-scheduled election.

SECTION 3. Notwithstanding any general or special law to the contrary, the special city election in the city of Beverly shall be held on Saturday, February 8, 2014. The polls shall be open from 7:00 a.m. until 8:00 p.m. All polls for this election shall be located at the Beverly High School Field House, 100 Sohier Road. Notification of the changes in polling locations shall be provided by mail although households with multiple voters need only receive one such notice. Notification shall be posted in all regular polling places and published in both local newspapers at least 14 days before the special election. All other dates set forth in the laws pertaining to the election shall apply.

SECTION 4. Sections 1 through 3 of this act are hereby repealed.

SECTION 5. Section 4 of this act shall take effect on April 2, 2014.”

Pending the question on adoption of the substitute bill recommended by the committee on Bills in the Third Reading, Mr. Costello of Newburyport moved to amend it by striking out sections 4 and 5 and inserting in place thereof the following four sections:

“SECTION 4. Section 9 of chapter 211B of the General Laws is hereby amended by inserting the following new clause:—

(xxiv) the court administrator may, subject to the approval of the chief justice of the trial court, apply for and accept on behalf of the commonwealth any funds, including grants, bequests, gifts or contributions, from any person. Such funds shall be deposited in a separate account and may be expended by the court administrator without further

Special
elections,—
scheduling.

appropriation in accordance with chapter 29 and any rules or regulations promulgated under that chapter.

SECTION 5. Section 9A of said chapter 211B of the General Laws is hereby further amended by inserting the following new clause:—

(xxiv) the court administrator may, subject to the approval of the chief justice of the trial court, apply for and accept on behalf of the commonwealth any funds, including grants, bequests, gifts or contributions, from any person. Such funds shall be deposited in a separate account and may be expended by the court administrator without further appropriation in accordance with chapter 29 and any rules or regulations promulgated under that chapter.

SECTION 6. Sections 1 through 3 of this act are hereby repealed.

SECTION 7. Section 6 of this act shall take effect on April 2, 2014.”

The further amendment was adopted.

The amendment recommended by the committee on Bills in the Third Reading, as amended, then also was adopted; and the substituted bill (House, No. 3841, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Insurance.

Relative to continuing education of insurance producers (House, No. 870);

Local finance.
Lending.

Relative to streamlining municipal finance (House, No. 1857); and
Relative to secure lending by the Federal Home Loan Bank (House, No. 3810);

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Orders of the Day.

House bills

Third
reading
bills.

Designating a certain pedestrian bridge in the city of Boston as the Frances “Fanny” Appleton Bridge (House, No. 2904);

Authorizing the town of Dartmouth to accept certain roadways as public ways (House, No. 3697); and

To grant 6 additional licenses for the sale of all alcoholic beverages and 6 additional licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 3790) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Somerset,—
water
services.

The House Bill relative to water service in the town of Somerset (House, No. 3618, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mrs. Haddad of Somerset moved to amend it by striking out section 2 and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a change in water supply in the towns of Somerset and Dighton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were adopted; and the bill (House, No. 3618, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At eleven minutes after eleven o'clock A.M., the Chair (Mr. Donato of Medford) declared a recess subject to the call of the Chair); and at thirteen minutes before twelve o'clock noon the House was called to order by Mr. Donato. Recesses.

The House thereupon, on motion of Mrs. Poirier of North Attleborough, recessed until half past twelve o'clock; and at twenty minutes before one o'clock P.M., the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mrs. Poirier, subject to the call of the Chair; and at twenty-six minutes after two three o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Paper from the Senate.

The House Bill relative to special elections (House, No. 3841), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out sections 4 and 5. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Special elections.

Subsequently the amendment (having been reported by said committee to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

The engrossed Bill relative to special elections (House, No. 3841, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, then was placed before the House, the question being on adopting the emergency preamble. Special elections.

A separate vote then was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Pending the question on passing the bill to be enacted, Mrs. Poirier of North Attleborough moved that Rule 40 be suspended; and the motion prevailed. Rule 40 suspended.

Mr. Murphy of Weymouth then moved to amend the bill by striking out section 3; and in section 6 by striking out the following “through 3” and inserting in place thereof the following “and 2”. The amendments were adopted. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the amendment, the bill, having been certified by the Clerk to be rightly and truly prepared for final passage then was again placed before the House, the

Special
elections.

question being on adopting the emergency preamble. A separate vote then was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet Monday next at eleven o'clock A.M.

At ten minutes after four o'clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M. in an Informal Session.